

Remarks/Arguments

In the Final Office Action of May 2, 2005, claims 10-13 are rejected under 35 USC 102(b) as being clearly disclosed by Kunick, U.S. Patent No. D457,239. Claim 14 is objected to, however, would be allowable if rewritten to overcome the rejection(s) under 35 USC 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Applicant appreciates the telephone interview with Examiner on 5/17/05 regarding the Final Rejection of May 2, 2005.

Examiner indicated that he would reconsider his rejection if a formal response was drafted in response to the Final Rejection. Examiner indicated a willingness to reconsider the rejection based on the limitation of having the support poles permanently interconnected. The remarks that follow are primarily directed to this limitation.

Existing IV support poles such as the ones disclosed in Bekanich and Kunick were designed to not be permanently interconnected so that they may be taken apart for easier cleaning and storage. These IV poles, like all of the IV poles in the state of the art, are designed to be used in hospital medical center and other indoor settings. These IV poles can be moved from location to location as they have wheels on their base allowing them to be rolled or wheeled from one location of the hospital to the other. These wheels are further advantageous as they allow a patient in a hospital that is on an IV to walk about the hallways with their IV pole at their side. The wheels are what allow these IV poles to be moved. This allows the patient to obtain much needed exercise while ensuring that their life sustaining IV remains connected. While not in

use, these IV poles may be collapsed or may be taken apart into multiple parts for ease of storage in hospital utility rooms or closets. As these IV poles are used in hospital settings, they must be maintained sterile. Thus, the support poles should be allowed to completely disengage from one another to allow for proper cleaning and convenient storage in hospital closets. These IV poles are not designed to collapse to a transport position. Rather they are movable because of their wheels and collapse for storage purpose or height adjustment only.

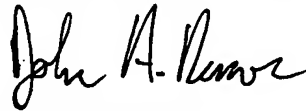
In contrast, the instant invention is directed to an IV pole for use in the field, specifically in trauma or triage situations or while a patient is waiting for transport, i.e. trapped in a vehicle or waiting for a life flight helicopter to arrive.

The instant invention is directed to a vastly different utilitarian function. The instant invention is an IV pole for use in the field in trauma or mass casualty situations. When there are mass casualty situations or when any injured individual must wait for transport, oftentimes IV bags must be held by a first responder, EMT, etc. in the air above an injured individual while waiting for transport to a hospital or trauma center. However, when there are multiple casualties, it would require the services of multiple people holding the bags over the injured individuals. The first responders, EMT's, etc. holding these bags would be far better served assisting other injured individuals, fighting any potential fires, or providing security to the region in which the mass casualties have taken place. The instant invention is directed at solving this problem. It collapses to a collapsed transport position (as set forth in claim 10 as shown in Figure

2) so that it may be carried by a single emergency personnel or first responder (as shown in Figures 5 and 6) to the side of an injured individual. It is then extendable (as shown in Figure 7) to allow for an IV bag to be kept in position above the individual that has been injured. This allows the first responder to have the IV bag secured above the injured person and to move on to assist others or perform other important functions. The instant application discloses an IV pole whose support poles remain permanently interconnected. Thus, the user of the IV pole may be as rough with the pole as needed. A first responder may rush to the scene of an accident, remove the IV pole from a bag and slam it down on the ground and pull upward on the IV pole as hard as the user desires in order to elongate the pole to a designated height. Due to the support poles being permanently interconnected, the user or first responder has no fear that the IV pole will come apart or lose its structural integrity. As these poles are used in the field, and specifically in triage or trauma situations, the support poles must remain interconnected so as to avoid compromising the integrity of the structure, and thus, putting the injured individuals at risk.

As none of the references alone or in combination cited by the examiner contain this limitation, Applicant respectfully requests that examiner reconsider his rejection and withdraw his rejection allowing the passing of the case to issue in due course of Patent Office business.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Demos". The signature is fluid and cursive, with the first name "John" being more prominent.

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